

IN RE THE MATTER OF PETITIONS
FOR AN EXTENSION OF TIME TO
MEET THE FIRST INTERIM
CONSTRUCTION BENCHMARK FOR
LOWER 700 MHz LICENSEES

[illegible]

DA 12-1827

King Street Wireless, L.P. (“King Street”), by counsel and pursuant to the Commission’s Public Notice of November 13, 2012,¹ hereby submits its Comments in support of Petitioners (“Comments”) in the captioned proceeding. By these Comments, King Street supports the requests submitted in this proceeding and, for the reasons set forth below, urges the Commission to grant the requested relief.

Collectively, the parties who have requested relief (the “Petitioners”) have set forth the applicable standards governing such requests, and have demonstrated the appropriateness of the relief requested. As the Commission properly noted, lack of interoperability was cited by many Petitioners as a basis for extensions, Public Notice, at 2. King Street is part of a core group of 700 MHz carriers who long ago appreciated that the lack of interoperability that was created by the establishment of proprietary band classes, after the close of Auction No. 73, that serve only

¹ Public Notice, DA 12-1827, rel. November 13, 2012, FCC Rcd , 2012 (the “Public Notice”).

the needs of the nation's two largest carriers would have a devastating impact upon all other 700 MHz licensees.² In a submission presented over three years ago, King Street and others demonstrated that lack of interoperability would have a dramatic negative impact on roaming; equipment offerings; equipment costs; and on competition in the Lower 700 MHz Band generally. See Petition. The Commission tacitly (and in many instances, expressly) agreed with much of what the Alliance argued when it adopted a notice of proposed rulemaking on interoperability earlier this year.³ Yet, while the Commission has proposed interoperability relief, none has yet been granted. This lack of interoperability alone justifies grant of Petitioners' request.

A number of Petitioners who hold A Block licenses also pointed to problems associated with Channel 51 as another basis for the relief requested. King Street agrees that Channel 51 complications generally present an independent basis for the relief requested. So too do the high power E Block considerations presented by several Petitioners – which issues King Street has also brought to the Commission's attention in WT Docket No. 12-69.

As the Commission is aware, King Street has not requested an extension of time to construct. Rather, as of this time, King Street has completed initial construction well over 65% of its licenses and expects to construct its remaining licenses prior to its initial construction benchmark date. Notwithstanding this, King Street believes that the public interest warrants grant of the extensions requested – which requests are in each instance the first request for an extension.

King Street also submits that it is important to appreciate that the fact that King Street has been able to build many of its licenses in no way undermines the requests of others.⁴ The ownership of King Street provides it with unique assets, not the least of which are meaningful financial resources, technical expertise and affiliated legacy subscribers. King Street also has been granted on 152 Lower 700 MHz licenses, leaving it with no option but to commence construction early in its license term.

² See 700 MHz Block A Good Faith Purchase Alliance, Petition For Rulemaking, submitted September 29, 2009 (initiating RM-11592) ("Petition").

³ Notice of Proposed Rulemaking, WT Docket No. 12-69; 27 FCC Rcd 3521 (2012)

⁴ While King Street remains focused on build out, it reserves the right to later file for an extension in limited markets in the unlikely event that such should become necessary.

Conclusion

For all of the above reasons, King Street urges the Commission to grant the requested extensions. It also submits that the Commission should do so promptly, as many of the Petitioners have only six months remaining before their Initial Construction Benchmark.

Respectfully submitted,

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